



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/635,908
Applicant : Reinier LH Bolhuis *et al.*
Filed : August 7, 2003
TC/A.U. : 1643
Examiner : Parithosh K. Tungaturthi

Docket No. : 2923-552
Customer No. : 6449
Confirmation No. : 7844

DECLARATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Egbert Oosterwijk, declare as follows.

1. I am one of the listed coinventors of a U.S. patent application, serial number 10/470,940, which claims a hybridoma cell producing G250 monoclonal antibody. I am also listed as one of the two coinventors for a PCT publication WO 88/08854 with Sven Warnaar.

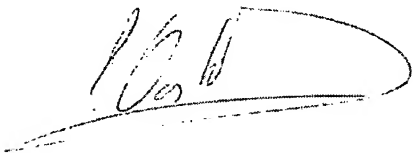
2. I understand that the U.S. patent application 10/635,908 was rejected based on the reference to a hybridoma cell producing G250 monoclonal antibody in two publications (Weijtens et al, J of Immunology 157: 836-43 (1996) and Oosterwijk et al, WO 88/08854 (1998)). However, I do not find any indication of public deposition of the hybridoma cells in the two publications. It is my opinion that, without such deposition, one skilled in the art would not have been able to create the hybridoma cell producing

Declaration of Egbert Oosterwijk

G250 monoclonal antibody from the reference to the hybridoma cell in the two publications by February 7, 2001.

3. Rather, the hybridoma cell used and described in the Weijtens reference was provided by one or more of the listed inventors (including Sven Warnaar) of the U.S. patent application, serial number 10/470,940, mentioned above, under a confidentiality agreement that strictly restricted the use, disclosure and distribution thereof to the approval by me and Dr. Warnaar and bound the authors of Weijtens and Gorter reference to an obligation not to let the hybridoma cells be made available to anybody else. Thus, I confirm that the hybridoma cell producing G250 monoclonal antibody mentioned in the Weijtens and Oosterwijk references were not publicly available prior to February 7, 2001.

4. I state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Egbert Oosterwijk

December 19, 2006

Date